

Petitioner signed his Petition on September 17, 2014. See 28 U.S.C. § 2244(d)(1) (one-year limitations period); Burns v. Morton, 134 F.3d 109, 113 (3d Cir. 1997) (“[H]abeas petition is deemed filed at the moment [a petitioner] delivers it to prison officials for mailing to the district court.”). Moreover, Petitioner acknowledges he never raised the instant claim in state court, either on direct review or in a collateral proceeding. See Tome v. Stickman, 167 F. App’x 320, 322 (3d Cir. 2006) (“A state prisoner must exhaust his state court remedies before a federal court may grant him habeas relief.” (quoting Lambert v. Blackwell, 387 F.3d 210, 231 (3d Cir. 2004))).

AND NOW, this 10th day of April, 2015, it is hereby **ORDERED** that:

1. The Petition for a Writ of Habeas Corpus (Doc. No. 1) is **DENIED**;
2. The Magistrate Judge’s Report and Recommendation (Doc. No. 11) is **APPROVED AND ADOPTED**; and
3. Because Petitioner has not made a substantial showing of the denial of a constitutional right, there are no grounds on which to issue a certificate of appealability.

IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.